S.B.CR. MISC. APPLN FOR CANCELLATION OF BAIL NO.24/06

Date : 04.09.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Mukesh Patodia for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

It appears from reading of the petition moved under Section 439(2) Cr.P.C. that this Court while dismissing S.B. Criminal Misc. Bail Application No.1309/2005 vide order dated 04.04.2006 moved by non-petitioner No.2 Amar Raj observed that statement of the prosecutrix be recorded first. It further appears from perusal of the order of the learned trial court granting bail that in absence of statement of the prosecutrix bail application has been allowed.

After hearing learned counsel for the petitioner, I deem it proper to direct the petitioner to first move the application for cancellation of bail before the concerned Court and in case application is moved the concerned Court, shall decide the same in accordance with law after hearing both sides .

The application for cancellation of bail stands disposed of.

(SATYA PRAKASH PATHAK), J.

vijayant